



P24350.A04

Appn. No. 10/744,007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tetsuo NAGANO et al.

Group Art Unit: 1743

Appn. No. : 10/744,007

Examiner: CROSS

Filed : December 24, 2003

Confirmation No. 9418

For : DIAMINORHODAMINE DERIVATIVE

TERMINAL DISCLAIMER

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Your petitioners, DAIICHI PURE CHEMICALS CO., LTD., a corporation of Japan, whose business address is 13-5, Nihonbashi 3-chome, Chou-ku, Tokyo 103-0027, Japan, and Tetsuo NAGANO, a citizen of Japan, whose post office address is 28-15, Amanuma 1-chome, Suginami-ku, Tokyo 167-0032, Japan, represents that they are the owners of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on March 16, 2001 at Reel 011595, Frame 0876 of U.S. Application No. 09/641,350 (now U.S. Patent No. 6,756,231) for "Diaminorhodamine Derivative".

The undersigned representative is authorized to act on behalf of the assignee, and it is certified that to the best of the undersigned's knowledge and belief title is in the assignee.

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Your petitioners, DAIICHI PURE CHEMICALS CO., LTD., and Tetsuo NAGANO, hereby disclaim, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,756,231, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,756,231, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,756,231 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein are of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Respectfully submitted,
DAIICHI PURE CHEMICALS CO., LTD.

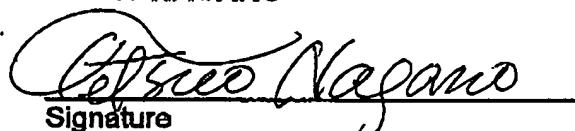
By Shin-ichiro Ashida
Printed Name


Signature

President & CEO
Title

Sep. 19, 2006
Date

Tetsuo NAGANO


Signature

Sep. 15, 2006
Date